

Wednesday, May 11, 1921

11 O'CLOCK A. M.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called, and the following Senators answered to their names:

Mr. President, Messrs. Anderson, Bradshaw, Butler, Calkins, Campbell, Cooper, Crosby, Eaton, Epperson, Huley, Igou, Johnson, Knabb, Knight, Lindsey, Lowry, Malone, Mapoles, Overstreet, Plympton, Rowe, Roland, Russell, Shelley, Stokes, Taylor, Turnbull, Weaver, Wells, Wilson—31.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of May 10 was dispensed with.

The Journal was corrected and approved.

#### REPORTS OF COMMITTEES.

Mr. Malone, Chairman of the Committee on Judiciary B, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 10, 1921.

*Hon. W. A. MacWilliams,*  
*President of the Senate.*

*Sir:*

Your Committee on Judiciary "B," to whom was referred—

Senate Bill No. 336:

A bill to be entitled An Act fixing the time in the trial

of certain civil and criminal causes when the presiding judge shall instruct the jury on the law of the case.

Have had the same under consideration, and offer the following amendment thereto:

Strike out all the words in Section 1, line 5, and beginning with the word "that" down to, and including the word "trial," in line six.

And recommend that the same do pass.

Very respectfully,

W. H. MALONE,  
Chairman of Committee.

And Senate Bill No. 336, with Committee Amendment, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Malone, Chairman of the Committee on Judiciary B, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 10, 1921.

*Hon. W. A. MacWilliams,*  
*President of the Senate.*

*Sir:*

Your Committee on Judiciary B, to whom was referred—

House Bill No. 50:

A bill to be entitled An Act to amend Section 2696 of the Revised General Statutes of Florida, relating to charges to juries and direction of verdicts by the court.

Also—

House Bill No. 156:

A bill to be entitled An Act relating to suits in chancery for the foreclosure or enforcement of any lien or other relief as against or affecting the title to real estate of which courts of chancery have jurisdiction.

Have had the same under consideration, and recommend that the same do pass.

Very respectfully,

WM. H. MALONE,  
Chairman of Committee.

And House Bills Nos. 50 and 156, contained in the above report, was placed on the Calendar of Bills on second reading.

Mr. Malone, Chairman of the Committee on Judiciary B, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 10, 1921.

*Hon. W. A. MacWilliams,*  
*President of the Senate.*

*Sir:*

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 331:

A bill to be entitled An Act to validate sales made under executions issued on judgments where certified transcripts of the judgments from other counties have been recorded by the Clerk of the Circuit Court of the county where said transcript is recorded as required by Section 1601 of the General Statutes of Florida.

Have had the same under consideration, and offer the following amendment thereto:

Strike out the words in Section 1, Line 1, beginning with the word "or" down to the word "made" in Line 2 in Section 1. Add to Section 1 the following: "Provided that nothing in this Act shall apply to any such sale or execution, the subject matter of which is now in litigation."

And recommend that the same do pass as amended.

Very respectfully,

WM. H. MALONE,  
Chairman of Committee.

And Senate Bill No. 331, with the Committee Amendment, contained in the above report, was placed on the Calendar of Bills on second reading.

Mr. Malone, Chairman of the Committee on Judiciary B, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 10, 1921.

*Hon. W. A. MacWilliams,*  
*President of the Senate.*

*Sir:*

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 338:

A bill to be entitled An Act vesting in the Circuit Courts exclusive original jurisdiction in all criminal cases involving trespass on lands.

Also—

Senate Bill No. 321:

A bill to be entitled An Act requiring all companies, corporations, associations and persons furnishing or operating Pullman Car accommodations for travel to furnish or operate separate accommodations for the separation of white and negro persons therein, and providing penalties for the violation thereof.

Have had the same under consideration, and recommend that the same do not pass.

Very respectfully,

WM. H. MALONE,  
Chairman of Committee.

And Senate Bills Nos. 338 and 321, contained in the above report, was placed on the table under the rule.

Mr. Malone, Chairman of the Committee on Judiciary B, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 10, 1921.

*Hon. W. A. MacWilliams,*  
*President of the Senate.*

*Sir:*

Your Committee on Judiciary B, to whom was referred—

House Bill No. 6:

A bill to be entitled An Act to repeal Chapter 7837,

Laws of Florida, Act of 1919, entitled An Act authorizing the Justices of the Supreme Court to call to their assistance one or more Circuit Judges to aid in the preparation of opinions and the disposition of causes in the Supreme Court.

Have had the same under consideration, and recommend that the same do not pass.

Very respectfully,

WM. H. MALONE,  
Chairman of Committee.

And House Bill No. 6, contained in the above report, was placed on the table under the rule.

Mr. Russell, Chairman of the Committee on State Institutions, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 10, 1921.

Hon. W. A. MacWilliams,  
President of the Senate.

Sir:

Your Committee on State Institutions, to whom was referred—

House Bill No. 22:

A bill to be entitled An Act to provide transportation from the Florida Industrial School for Boys and Girls to their homes or proper destinations; expense money and clothes for boys and girls upon parole, release or discharge from said institutions.

Have had the same under consideration, and recommend that the same do pass.

Very respectfully,

W. A. RUSSELL,  
Chairman of Committee.

And House Bill No. 22, contained in the above report, was placed on the Calendar of Bills on second reading.

Mr. Russell, Chairman of the Committee on State Institutions, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 10, 1921.

Hon. W. A. MacWilliams,  
President of the Senate.

Sir:

Your Committee on State Institutions, to whom was referred—

House Bill No. 110:

A bill to be entitled An Act to provide for the support, maintenance and education of orphan children in the State of Florida, and to authorize the several counties of the State to contribute certain moneys annually to institutions in the State having the support, maintenance and education of orphans under their care.

Have had the same under consideration and offer the following amendment thereto:

"In Section 1, beginning with the word 'of' in line 4, strike out the words: 'Of a non-sectarian and non-religious character.'"

And recommend that the same do pass as amended.

Very respectfully,

W. A. RUSSELL,  
Chairman of Committee.

And House Bill No. 110, with the Senate amendment thereto, contained in the above report, was placed on the Calendar of Bills on second reading.

#### INTRODUCTION OF BILLS.

By Mr. MacWilliams—  
Senate Bill No. 352:

A bill to be entitled An Act to make it unlawful to take or catch shrimp or prawn for commercial purposes within the bays, sounds, inlets, or rivers in the counties of Nassau, Duval and St. Johns, in the State of Florida.

Which was read the first time by its title.

And the bill was placed on the Calendar of Local Bills on the Second Reading without reference.

By Mr. Weaver—

Senate Bill No. 353:

A bill to be entitled An Act to require persons running or operating trucks, log or turpentine carts or wagons, or persons habitually hauling heavy loads on or over the public roads of this State, to keep the portion of such roads used by them in repair, and providing a penalty for the violation thereof.

Which was read the first time by its title and referred to the Committee on Public Roads and Highways.

By Mr. Weaver—

Senate Bill No. 354:

A bill to be entitled An Act to appropriate sufficient funds to pay the deficiency in salaries of the members of the State Board of Examiners.

Which was read the first time by its title and referred to the Committee on Appropriations.

By Mr. Hulley—

Senate Bill No. 355:

A bill to be entitled An Act to extend the term of all teachers' certificates of all persons who were in the military service of the United States during the war with Germany, as defined by the Acts of Congress, for a term equal to the length of time such persons were in the military service of the United States.

Which was read the first time by its title.

Mr. Hulley moved that the rules be waived and that Senate Bill No. 355 be placed on the Calendar of Bills on the Second Reading without reference.

Which was agreed to by a two-thirds vote.

And the bill was placed on the Calendar of Bills on the Second Reading without reference.

By Mr. Lowry—

Senate Bill No. 356:

A bill to be entitled An Act to amend Sections 9 and 10 of Chapter 5998 of the Laws of Florida, being An Act entitled "An Act to provide the method and manner of building, constructing and maintaining roads and bridges in Leon County, Florida, and to provide a road and bridge fund for said county, and for the assessment and collection of same.

Which was read the first time by its title.

And the bill was placed on the Calendar of Local Bills on the second reading without reference.

By Mr. Johnson—

Senate Bill No. 357:

A bill to be entitled An Act to amend Section 458 of the Revised General Statutes of the State of Florida relating to County School Boards authority to borrow money.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Malone—

Senate Bill No. 358:

A bill to be entitled An Act to validate the execution and acknowledgment of certain deeds of conveyances and other instruments heretofore executed.

Which was read the first time by its title.

And the bill was placed on the Calendar of Bills on the second reading without reference.

By Mr. Stokes—

Senate Bill No. 359:

A bill to be entitled An Act relating to instruments affecting the title to real estate not acknowledged or proven or improperly acknowledged or proven, but which have been recorded in a public record in this State for a period of thirty years, creating a presumption prima facie that they were executed by the parties and witnesses purporting to have executed the same and authorizing the introduction in evidence of such originals and certified copies of the records thereof.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Stokes—

Senate Bill No. 360:

A bill to be entitled An Act validating the proof for record, and the record heretofore made, of certain instruments in writing with certain defective certificates of acknowledgment and proof of execution.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Cooper—

Senate Bill No. 361:

A bill to be entitled An Act to provide for the payment of Warrant No. 1416 and Warrant No. 1417 issued by the Comptroller of the State of Florida, under Chapter 1175, Laws of the State of Florida, to John E. Williams, for services rendered to the State as Captain of a Volunteer Company, with the approval of the Governor, in suppressing Indian hostilities in the year 1856, and which warrants have been filed with the State Comptroller, and now in the custody of the State Treasurer.

Which was read the first time by its title and referred to the Committee on Claims.

By Mr. Lowry—

Senate Bill No. 362:

A bill to be entitled An Act to amend Section 432 of the Revised General Statutes of Florida, relating to vacations and holidays.

Which was read the first time by its title and referred to the Committee on Education.

Petitions and memorials from various portions of the State, in connection with Senate Bill No. 193, relative to riparian rights, were read to the Senate and ordered to be filed.

House Conocurrent Resolution No. 5 was taken up in its order and the consideration of the same was temporarily passed over.

By consent, Mr. Crosby withdrew Senate Bill No. 76.

#### MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and ordered spread on the Journal:

State of Florida,  
Executive Department,  
Tallahassee, Fla., May 11, 1921.

*Hon. W. A. MacWilliams,  
President of the Senate,  
Capitol.*

Dear Sir:

I have the honor to inform you that I have approved

the following Acts, which originated in your Honorable Body, and have caused the same to be filed in the office of the Secretary of State:

(Senate Bill No. 3):

An Act to amend Section 5122, Revised General Statutes of Florida, and Section 5123, Revised General Statutes of Florida, defining the offenses of grand larceny and petit larceny, and fixing the penalty for the violation of same.

Also—

(Senate Bill No. 6):

An Act to provide for the recording of deeds and patents issued by the United States Government and photographic copies thereof, and to provide for their use and the use of certified copies of the record thereof in evidence in the courts of Florida.

Also—

(Senate Bill No. 45):

An Act to amend Section 144, Article 5 of Chapter 2, Revised General Statutes of Florida, relating to security to be given by banks for deposit of State funds.

Also—

(Senate Bill No. 50):

An Act to amend Section 4134 of the Revised General Statutes of Florida, relative to qualifications of directors of banking companies.

Also—

(Senate Bill No. 53):

An Act to amend Section 889 of the Revised General Statutes, relating to the payment of license taxes by express companies doing business in this State.

Also—

(Senate Bill No. 111):

An Act to amend Section 4190 of the Revised General Statutes of Florida, relating to the incorporation, powers, duties and liabilities of trust and security companies doing business in this State.

Very respectfully,

CARY A. HARDEE,  
Governor.

Also—

The following message from the Governor was read:

State of Florida,  
Executive Department.  
Tallahassee, Fla., May 10, 1921.

*Hon. W. A. MacWilliams,  
President of the Senate,  
Capitol.*

*Sir:*

I have the honor to inform you that I have approved the following Act, which originated in your Honorable Body, and have caused the same to be filed in the office of Secretary of State:

(Senate Bill No. 136):

An Act to establish and maintain a branch experiment station in or near Quincy, Gadsden County, State of Florida, to conduct field research on laboratory problems; to make it the duty of the Board of Control to establish such branch station and to provide for carrying on investigation thereat and appropriate money for the expense thereof.

Very respectfully,  
CARY A. HARDEE,  
Governor.

Also—

The following message was read:

State of Florida,  
Executive Department,  
Tallahassee, Fla., May 6, 1921.

*Hon. W. A. MacWilliams,  
President of the Senate,  
Capitol.*

*Sir:*

I have the honor to inform you that I have approved the following Acts, which originated in your Honorable Body, and have caused the same to be filed in the office of Secretary of State:

(Senate Bill No. 57):

An Act to amend Section 1315, Revised General Stat-

utes of Florida, 1920; Section 1316, Revised General Statutes of Florida, 1920; Section 1317, Revised General Statutes of Florida, 1920; Section 1318, Revised General Statutes of Florida, 1920; Section 1325, Revised General Statutes of Florida, 1920; all relating to the Marketing Bureau of the State of Florida, and to repeal Section 1324, Revised General Statutes of Florida, 1920, providing for an executive committee of the Marketing Bureau of the State of Florida.

Also—

(Senate Bill No. 91):

An Act to amend Sections 1444 and 1445 of the Revised General Statutes of Florida, relating to pensions.

Also—

(Senate Bill No. 168):

An Act to regulate and provide for the military forces of the State of Florida, and to promote its efficiency; to prescribe rules, regulations and means for its organization, administration, armament, equipment, discipline, control and supervision; to provide for its maintenance, support and upkeep; to authorize and empower the Governor of Florida to make and publish rules and regulations for the reorganization of the Florida National Guard, in conformity to acts of Congress relating to the National Guard; to authorize the Governor to take necessary steps for procuring aid, equipment, and appropriations from the Federal Government for the National Guard; to provide means for the enforcement of this Act; to fix penalties and punishments for the violation of this Act; and to repeal Articles I, II and III of Chapter I, Military Code of Florida, under Title VIII, Revised General Statutes of Florida, 1920.

Also—

(Senate Bill No. 241):

An Act fixing and defining the territorial limits and the boundary of the 12th Judicial Circuit, and fixing the time for holding two terms of court during each year in each of the counties of said circuit.

Also—

(Senate Bill No. 242):

An Act to incorporate and establish a municipal government for the city of Valparaiso, in the County of Oka-